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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/724,284 | 11/28/2000 | Richard Leach Tagg | | 7550 |

7590 05/21/2003
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EXAMINER

ADDIE, RAYMOND W

ART UNIT PAPER NUMBER

3671

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/724,284

Applicant(s)

TAGG, RICHARD LEACH

Examiner

Raymond W. Addie

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2003.
- 2a) ☒ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 28 April 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 18-25, 29-37 are rejected under 35 U.S.C. 102(e) as being anticipated by

Striefel et al. # 6,059,491.

Striefel et al., discloses a barrier (I) comprising:

At least one barrier section (10) having a comparatively narrow upright portion (18).

A comparatively wide base portion (24), including a female (52) and a male end (54).

Said female and male ends having corresponding projections and recesses that can be mated together to form a hinge pin receiving aperture (59, 65).

An additional barrier section(s) (12, 14) identical to the at least one barrier section (10) and being mate-able with said at least one barrier section.

At least one hinge pin (64) that can be passed between said barrier section and an additional barrier section, so that said mated barrier sections can be disposed in a rectilinear or curvilinear arrangement, in a gapless orientation, regardless of the angle of articulation existing between said barrier section and said additional barrier section. See col. 3, line 39-col. 4, line 49.

In regards to Claims 20, 21, 23, 24, 31-33 Striefel et al. discloses the projection on the barrier section has a partly cylindrical, surface of rotation and a corresponding recess, having a corresponding surface of rotation. Striefel et al. further discloses the "nose section" of the barrier female end includes a vertical bore, to receive a hinge pin.

The barrier further comprising a vertical bore disposed in each projection for receiving a hinge pin (64) such that each barrier may be articulated relative to each additional barrier section.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Striefel et al. # 6,059,491 in view of Smith et al. # 4,240,766.

Striefel et al. discloses a modular barrier system comprising a plurality of barrier sections (10) interconnected with hinge pins, but does not disclose using hinge pins having male threaded ends. However, Smith et al. teaches a traffic delineator (1) comprising: A vertical post (5) having a male threaded end and a generally dome-shaped base (2) having a female threaded recess (8) for receiving said post (5).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to provide the traffic barrier of Striefel et al., with a hinge assembly, as taught by Smith et al., in order to facilitate temporary assembly of the barrier segment. See Smith et al., Col. 2, ln 22-col. 3, ln 17.

3. Claims 27, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Striefel et al. '491 in view of Smith et al. # 4,240,766 as applied to claim 26 above, and further in view of Pickett # 4,111,401 and WO 97/09485, reference to Adcock.

Striefel et al. in view of Smith et al. discloses a modular barrier system interconnected with an hinge assembly, but does not disclose the use of tension straps. However, Pickett '401 teaches a barrier system (10) comprising a plurality of identical barrier sections (20), which are interconnected by disposing a tension strap (40) to encircle a

male/female joint assembly, having corresponding surfaces of rotation. Adcock teaches a barrier system comprising a plurality of barrier sections (10, 11, 12) having a plurality of grooves, disposed in a comparatively narrow upright portion of each barrier section (10, 11, 12) for receiving a tension strap (3) that crosses from one side of a barrier to a 2nd side of the barrier, such that said plurality of barrier sections are anchored to one another to form an elongated, continuous barrier. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to provide the barrier system of Striefel et al. in view of Smith et al., with a tension strap that crosses from one side of a barrier to another side of said barrier, and encircles the pivotable joint between adjacent barriers, as taught by Pickett and Adcock, in order to for a continuous anchored barrier. See Pickett Col. 4; Adcock Page 5.

Response to Arguments

4. Applicant's arguments with respect to claims 18-37 have been considered but are moot in view of the new grounds of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond Addie whose telephone number is (703) 305-0135. The examiner can normally be reached on Monday-Friday from 8:00 am to 2:00 pm, 6-8 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703) 308-3870. The fax phone number for this Group is (703) 305-8623.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.



Thomas B. Will
Supervisory Patent Examiner
Group 3600

RWA
5/15/2003